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Viewing cable 10BOGOTA291, PRIVATE PLAINTIFFS CHALLENGE CONSTITUTIONALITY OF DCA

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#10BOGOTA291**.

Reference ID	Created	Released	Classification	Origin
10BOGOTA291	2010-02-17 21:46	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

Appears in these articles:

<http://www.elespectador.com/wikileaks>

VZCZCXYZ0011
RR RUEHWEB

DE RUEHBO #0291 0482146
ZNY CCCCC ZZH
R 172146Z FEB 10
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC 2852
INFO RHEFDIA/DIA WASHINGTON DC
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RHMFISS/CDR USSOUTHCOM MIAMI FL
RHMFISS/DEPT OF JUSTICE WASHINGTON DC
RHMFISS/JOINT STAFF WASHINGTON DC
RUCNFB/FBI WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEHBO/AMEMBASSY BOGOTA
RUEHBR/AMEMBASSY BRASILIA
RUEHCV/AMEMBASSY CARACAS
RUEHPE/AMEMBASSY LIMA
RUEHQT/AMEMBASSY QUITO
RUEHZP/AMEMBASSY PANAMA
RUEKJCS/SECDEF WASHINGTON DC

C O N F I D E N T I A L BOGOTA 000291

SIPDIS

E.O. 12958: DECL: 2020/02/17

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SUBJECT: PRIVATE PLAINTIFFS CHALLENGE CONSTITUTIONALITY OF DCA

CLASSIFIED BY: Mark Wells, Political Counselor, Department of State,
Political Section; REASON: 1.4(B), (D)

11. (C) On February 12, officials from the Colombian Ministry of Defense (MOD) informed us that private plaintiffs filed two separate petitions with the Constitutional Court dated November 12, 2009, challenging the constitutionality of the U.S.-Colombia Defense Cooperation Agreement (DCA). The plaintiffs were unknown to the Embassy; MOD officials said that they suspected NGOs were behind the petitions.

12. (C) The petitions argue that, under the Constitution, the DCA should have been approved by the Colombian Congress and the Constitutional Court, as it creates new obligations and exceeds the scope of prior international agreements. The plaintiffs cited several articles of the Constitution in the petitions, including Article 150, section 16 (which grants Congress the power to approve treaties); Article 173, section 4 (which grants the Senate the power to permit the transit of foreign troops); and Article 240, section 10 (which grants the Constitutional Court the power to review international treaties, and which further provides that any citizen may challenge the constitutionality of such treaties).

13. (C) MOD officials stressed that the DCA is not a treaty but instead a "simplified agreement" -- which the Colombian executive branch had full authority to negotiate and sign. The officials indicated that in the past, the Constitutional Court has refused to accept petitions challenging simplified agreements, and the MOD expects the Court to uphold this precedence in these cases. However, should the Constitutional Court accept the cases for review, the officials told us that they are prepared to reject the petitioners' allegations point-by-point. MOD officials indicated that they will be meeting internally soon to analyze these cases.
BROWNFIELD

=====CABLE ENDS=====